

**AMENDED  
MINUTES  
SANDY CITY COUNCIL MEETING**

Sandy City Hall - Council Chamber Room #211  
10000 Centennial Parkway  
Sandy, Utah 84070

**September 11, 2007**

Meeting was commenced at 7:26 p.m.

**PRESENT:**

**Council Members:** Chairman Bryant Anderson, Vice Chairman Chris McCandless, Scott Cowdell, Steve Fairbanks, Linda Martinez Saville, Stephen Smith, and Dennis Tenney

**Mayor:** Tom Dolan

**Others in Attendance:** CAO Byron Jorgenson; City Attorney Walter Miller; Community Development Director Mike Coulam; Assistant Community Development Director Nick Duerksen; Public Works Director Rick Smith; Police Chief Stephen Chapman; Fire Chief Don Chase; Battalion Fire Chief Don Rosenkrantz; Administrative Services Director Art Hunter; Council Office Director Phil Glenn; Council Office Manager Pam Lehman

**Chairman Anderson** informed the audience that members of the City Council just returned from participating in the 6<sup>th</sup> Annual 9/11 Patriot Day Healing Field Commemorative Ceremony on the Sandy City Promenade. Chairman Anderson noted that Sandy City had one of the first healing fields in the Country, resulting in a spontaneous reaction with additional displays across the nation.

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by **Boy Scout Garrett Smith** of Troop #804, and the Pledge was led by **Hayden Howlett**, also of Troop #804.

2. **CITIZEN(S) COMMENTS:**

- a. **Randy Buchmiller**, 1911 Rocklin Drive, President of Point at the Ridge Homeowner's Association, expressed appreciation to Mr. Ricci and the residents for bringing their concerns regarding noise violations to the City Council's attention. He believes the existing noise ordinance would be adequate if stricter guidelines were implemented. He stated that he felt Mr. Ricci, who has stood at the forefront of this issue, had been "picked on" for a problem that affects the entire community.
- b. **Rob Watkins**, 9234 South Morning View Circle, stated that he believes the current noise ordinance has not been adequately enforced, and that more citations should be issued. The Police Department can only respond if they receive a complaint call, and in many instances, cannot issue a citation unless they personally witness the violation. Mr. Watkins felt that gates should be installed in every commercial development denying access into the side and rear areas of businesses to buffer commercial from residential areas. Mr. Watkins stated that he was grateful for Mr. Ricci's persistence with residents' concerns regarding the noise ordinance violations. He would like to see additional measures added to the existing noise ordinance to make the ordinance more enforceable.
- c. **Patricia Russell**, 9484 Tramway Drive, expressed appreciation to the Council for the opportunity to address noise and light pollution effecting residents living on Tramway Drive and surrounding areas. She reported that progress has been made in addressing most of the egregious problems at the Little Cottonwood Center. Delivery trucks no

longer idle for long periods of time, and lighting and noise from the P.A. systems has been baffled. She expressed appreciation to the store managers for their accommodations to remedy these concerns. She believes that noise and light intrusion on neighborhoods could still be improved, along with posting additional signage reminding drivers to minimize noise during deliveries. The lights in the garden center of Home Depot are on all night, and are too bright for comfortable coexistence. She was hopeful that the parties involved would continue to be open and respectful in their communications with the residents, public officials, and business owners, working together in a spirit of cooperation. She stated that no one person or group should be singled out, and that new and better ways should be found to balance development and open space with the quality of life for the residents.

**As there were no further comments, Chairman Anderson closed Citizen Comments.**

**PUBLIC HEARING(S):**

**3. Franchise Agreement for QWEST Wally Miller Request**

Public Hearing to receive public comment on the application of Qwest Broadband Services, Inc. for a cable or video communication system franchise in Sandy City. A copy of the franchise application with accompanying documents, including a proposed franchise agreement, has been available for public inspection in the Sandy City Recorder's Office, Suite 311, Sandy City Hall, for at least 30 days prior to the hearing. Existing grantees and members of the public are invited to submit relevant comment on the applicant, the application and the proposed agreement at the hearing or in writing provided they are submitted to the City Recorder prior to the hearing date. At the hearing, the city may also consider other franchise applications and amendment to Title 16 Chapter 27 of the Sandy City ordinances relating to cable or video communication system franchises consistent with recent legal developments.

**Discussion:** **City Attorney Wally Miller** reported that Qwest's franchise agreement with Sandy City is an important issue since it also involves businesses who have been providing similar services to Sandy residents for a considerable period of time. Qwest is requesting to introduce services that would be in competition with Comcast. Congress has set guidelines that service providers should be treated fairly in order to not stifle competition. Mr. Miller reported that the City has hired a communication consultant to review Qwest's franchise agreement, and bring it into line with the agreement Comcast has with Salt Lake City.

**Chairman Anderson opened the public hearing. As there were no comments, the hearing was closed.**

**Gary Fenn**, President of Qwest Communications, reported that Qwest has been working with the City for the past several years in negotiating a franchise agreement that would allow Qwest to provide video services to Sandy residents. Mr. Fenn stated that competition from another cable provider would provide another choice for the residents, including price competition, tailored packages, and better customer service.

A power point presentation was given illustrating statistics from the FCC and Government Accounting Office. The FCC reported that cable rates have increased some 93% since 1995. Studies also show that cable prices are some 15-41% lower where there are two or more cable providers.

Mr. Fenn believes that a build out requirement may prevent Qwest from coming into the City. He noted that Qwest would like the playing field between Comcast and Qwest to be the same with no restrictions or time limits as to where and when they can offer telephony service in the

community.

Qwest will bring the latest fiber optic technology to the community, increasing broadband capabilities providing a "win-win" for the residents. Qwest will not engage in economic redlines, and provide service to the entire community in phases and as demand grows. Qwest also has no intention of using Comcast's network.

**Dennis Tenney** asked Mr. Fenn if Qwest would be willing to commit to a build out without being demanded to do so.

**Mr. Fenn** indicated that Qwest would like to see the build out requirement eliminated from both competitors which would allow for a fair market between both providers.

A meeting was held earlier in the day with officials from Qwest, Comcast, and Councilman Chris McCandless to explain Qwest's franchise agreement. Qwest would be willing to implement certain benchmarks/ incentives in their franchise agreement. They are requesting a six year franchise agreement requiring service to 20% of the City over a three year period. If they meet this goal, they would then ask for an additional two years. If at the end of their six year agreement they are servicing 30% of the residents, they would then request an additional four years to their franchise.

**Scott Cowdell** indicated that he was concerned with "cherry picking" especially if conditions are not implemented in the franchise agreement preventing this from occurring. Mr. Cowdell asked how much of Comcast's existing infrastructure Qwest would be using.

**Mr. Fenn** indicated that Qwest would use their own facilities, mirroring what Comcast has done in respect to peg channels.

**Scott Cowdell** asked if Qwest would be willing to provide service to those areas that are not as affluent as other areas.

**Mr. Fenn** stated that studies show customers who are lower income or on fixed incomes spend more of their dollars on cable services. Qwest's intent is to service all economic classes as long as no incentives are placed in their agreement restricting them from providing services to the residents.

**Chris McCandless** asked what would happen if Qwest fails to meet their goal of 20% service at the end of three years.

**Mr. Fenn** indicated that if they fail to meet that incentive, the City could then determine whether to continue their agreement. However, this incentive would be a very realistic goal for Qwest to meet.

**Steve Smith** stated that build out over a certain time period, such as 10-12 years , may be more economically feasible than over a shorter period of time, and especially if the market provides an opportunity to do so.

**Bryant Anderson** asked if Qwest would be installing new copper to homes.

**Mr. Fenn** indicated that they would be able to use the existing lines in the ground.

**Gary Oldroyd**, Attorney representing Comcast, noted that he has been involved with the telecommunications industry for a number of years. He reported that Comcast's franchise agreement includes a build out requirement to deploy network, internet, and telephony services to the entire city. FCC regulations state that build out requirements can be imposed to guarantee that services are provided to the entire City. He stated that a new entrant into this market should be required to meet build out requirements, and that there should be a level playing field between both providers. If competition becomes isolated to a few areas, there will be no incentives to lower prices, and technology will be denied to certain residents in the City.

**Steve Fairbanks** stated that it seemed to him that Mr. Oldroyd and Mr. Fenn were both recommending that the City provide a franchise agreement to Qwest if certain benchmarks are met with a specific time frame to complete the build out in.

**Mr. Oldroyd** stated that Comcast's proposal would be to require build out in Qwest's franchise agreement, then if Qwest achieves a certain penetration rate; they would then be required to meet a build out requirement of 20%-30% of the entire City.

**Steve Smith** asked what type of a timeline Comcast was under when they started providing services to the City.

**Steve Proper**, Comcast Representative, reported that they were not certain of the timeline; however, Comcast did have upgrade requirements in their agreement. Mr. Proper indicated that Comcast would like Qwest to agree to a certain percentage of build out over a period of time.

**Steve Smith** asked if the existing fiber can be used to upgrade cable and voice over capacities.

**Steve Proper** stated that fiber has been installed to accommodate both cable and voice capabilities, along with a two way system that allows pay per view, internet, and i.p. phone services.

**Steve Smith** asked if Comcast provides telephony service to the entire city.

**Steve Proper** stated that there are very few residential areas that Comcast has not provided internet and voice i.p. services too.

**Mr. Fenn** stated that Comcast's agreement does not list any requirements that they provide i.p. services to the residents.

**Chairman Anderson opened the Public Hearing.**

- a. **Lea Barker**, 12044 Hidden Valley Club Drive, advocate for low income families, stated that cable services are a necessary luxury that offers important technology and resources for families. She believes that guidelines should be established on build out requirements to make certain that low income families receive these services.
- b. **Gary Forbush**, 983 East Addington Circle, stated that it is important for the City to offer residents choices in cable services. Competition is great; however, it does not drive the prices down. He believes that a build out requirement could impede the process and impact the residents.

- c. **Dan Williams**, 11 Gatehouse Lane, Marketing and Sales Director for Comcast, stated that the market for cable services is driven by competition, product innovation, and customer service, but that it does not drive pricing competition down. Comcast provided telephone, video and high speed internet services to the residents in a matter of weeks and months, not years.
- d. **Ray Child**, 1542 Buttercup Drive, Public Relations for Comcast, stated, based on his opinion, that Comcast has superior products based on competition. Utah is one of the top competitive markets in the nation. He expressed concern that if Qwest does not have build out requirements in their agreement that a digital divide could be created where services would be provided to a select number of residents.
- e. **Dave NicholSEN**, Sandy resident, expressed concern over build out. He asked what the typical build out requirement was for the cable industry. He also felt that advertizing guidelines should be clearly defined as part of the agreement in order to avoid deceptive advertizing in the cable industry.
- f. **Shane Brawns**, 9579 Brandy Spring Lane, Qwest Employee, stated that consumers are concerned with the quality of the product and the price of their cable services. Comcast delivers a great product; however, it can be very costly. Qwest is offering another option to consumers for cable services. Cable providers need to keep money in the consumer's pockets, especially as cable prices continue to rise.
- g. **Tyler Dallas**, 964 Marion Village Circle, Qwest employee, asked that the City grant a franchise agreement to Qwest. South Jordan, Highland, Saratoga Springs, and Salt Lake have recently approved franchise agreements with Qwest. He stated that he was grateful that Sandy did not approve Utopia for the residents.

**Chairman Anderson closed the Public Hearing.**

**Chris McCandless** expressed appreciation to Comcast and Qwest employees for their e-mails and concerns. Mr. McCandless stated that his decision would be based on what is best for the citizens. He would support a six year franchise agreement with a 20% build out in the first three years; then if Qwest is unable to meet the 20% build out, their agreement would not be extended. He also felt that Qwest should have a density requirement specifying the entry locations they are willing to target without a build out requirement. He also suggested that the build out requirements be removed from Comcast's agreement.

**Dennis Tenney** also expressed appreciation to Comcast and Qwest employees for their telephone calls and e-mails. Mr. Tenney stated what he believes to be the three important building principals of the franchise agreement:

- (1) What is in the best interest for the Citizens of Sandy
- (2) Competition
- (3) Build out with a level playing field.

He stated that he could support granting a franchise if Qwest is willing to stipulate the benchmarks on the proposed 20-50% build out within the next 8-10 year time frame, also, that Qwest be prepared to meet the concept of a build out that is market driven.

**Linda Saville** thanked the people who wrote to the Council expressing their concerns. She felt that she needed more information in order to make an informed decision that would be in the best interest of the residents of Sandy. She asked that the franchise agreement be tabled and

sent back to the Administration for further clarifications.

**Scott Cowdell** stated that he would also support tabling this item so that the Administration and Council can come up with some options to present to Qwest and Comcast for their consideration. He believes that competition and the fair market enterprise should be allowed to work for the residents of Sandy.

**Steve Fairbanks** stated that the Council's decision should be based on what is in the best interest of the residents of Sandy. He believes that private enterprise works best when government refrains from imposing regulations on businesses. He stated that he could see nothing wrong with "cherry picking" especially if Qwest is able to make a profit that allows them to move into another area. He agreed that the Administration should come up with some target dates for Qwest to meet.

**Dennis Tenney** recommended that the Administration come back, within the next 30 days, with a proposal that clearly defines percentages and time frames for Qwest to meet. He stated that the market should dictate the geographic areas Qwest enters, not the government.

**Phil Glenn** reminded the Council of the penetration of cable services that has occurred over the past 20 some years in the City. The City has continually received complaints from residents asking why they did not receive the same services as their neighbors. The FCC has ruled that it would be reasonable for local franchise authorities to consider benchmarks and build out requirements for a new entrant, and to also increase build out requirements after a reasonable period of time. Mr. Glenn stated that these businesses will only do what they are required to do. Qwest will not offer these services to the entire community unless reasonable requirements are placed on them. If this is not done, residents will be calling once more asking why the Council did not require Qwest to provide the same level of service that the City required Comcast to provide.

**Bryant Anderson** also agreed that the franchise agreement should be tabled with a date certain for the Administration to bring their recommendations back to the Council for consideration.

**Wally Miller** informed the Council that the Administration would ask both Qwest and Comcast to submit language on the build out proposal. The Administration would also invite an expert in the telecommunication field to evaluate the Administration's recommendations and alternatives. Mr. Miller did not believe that the process should take any longer than 30 days to complete.

**Motion:** **Dennis Tenney** made the motion to table the Franchise Agreement for Qwest, directing the Administration and Staff to consult with experts in the telecommunication field in order to bring back a recommended franchise agreement that establishes clear benchmarks and incentives for Qwest including minimum standards of 20 -30% build out within a three year period, with recommendations that Qwest have a voluntary/complete coverage within a 10-year period; also, for the Administration to consult with Qwest and Comcast to create and establish a level playing field that will benefit all of the residents of Sandy. This item will be considered, discussed, and finalized at the October 16, 2007 City Council Meeting.

**Second:** **Steve Smith**

**Substitute Motion:** **Scott Cowdell** made the substitute motion to table the Franchise Agreement until the October 16, 2007 City Council Meeting, and that the Administration and City Council hold discussions to create a proposal that

can be presented to both Qwest and Comcast.

**Second:** **Motion Dies from lack of second.**

**Chris McCandless** stated that Mr. Tenney's and Mr. Cowdell's motion seemed to have the same intent, only phrased differently.

**Mr. Tenney** stated that his motion is requesting that the Administration include specific benchmarks in the franchise agreement.

**Mr. Cowdell** stated that his motion was for the Administration and City Council to meet together to discuss recommendations and options for the franchise agreement.

**Mr. Glenn** stated that the 20-30% benchmarks suggested by Qwest for build out may not be appropriate given industry experience, and that the Council may want to wait for the Administration's recommendations before including them in the motion.

**Amendment to the Motion:**

**Steve Smith** asked Mr. Tenney if he would be willing to amend his motion to include that a meeting be held between the Administration and City Council prior to finalization of a draft franchise agreement.

**Mr. Tenney** agreed to amend the motion.

**Vote:** **Tenney- Yes, Smith – Yes, Fairbanks- Yes, McCandless- Yes, Saville- Yes, Cowdell- Yes, Anderson – Yes.**

**Motion Approved: All in Favor**

**COUNCIL ITEMS**

4. **Residents in the area of Little Cottonwood Center, Community Council Neighborhood Concerns, Recommendations from the Administration**

**Discussion:** **Chairman Anderson** reported that a Community Meeting was held on August 9<sup>th</sup> at City Hall, where Community Coordinators, residents, and Council members discussed noise concerns associated with the Little Cottonwood Center. Mr. Ricci has complained to the City on numerous occasions regarding noise violations associated with the Little Cottonwood Center. The meeting was to provide an opportunity for other individuals to voice their concerns. Staff has prepared and will present their recommendations for the Council's consideration.

**Mike Coulam** reported that Staff would be responding to the five proposed recommendations that were generated from comments made at the neighborhood meeting. Mr. Coulam expressed appreciation to Marsha Millet, the residents, and business owners for their participation. He noted that legitimate concerns were raised at the meeting. The five proposals that Staff was asked to address are as follows:

Zero Tolerance Enforcement

Create Stiff Penalties As A Consequence of Violation

Require Restrictive Gates into all Loading Dock Areas

Surveillance Cameras Be Installed to Track & Monitor Violations

All New Businesses Be Required to Meet with Residents Just Prior To Opening

Mr. Coulam introduced Mr. James Bennett, Environmental Health Compliance Officer for the Salt Lake Valley Health Department.

**James Bennett**, Program Manager for Salt Lake County Health Noise Control stated that Sandy's ordinance is patterned after the Salt Lake Valley Health Department's ordinance. The noise control act was established in 1972 after the Environmental Protection Agency [E.P.A.] was required to establish rules and regulations pertaining to stationary noise and motor vehicle sources. In the 1980's, The E.P.A. developed a model ordinance that was distributed to local health departments. Noise control regulations address restrictions, prohibitions, and the maximum allowable decibels levels at property lines. The Health Department's noise curfew begins at 10:00 p.m. and ends at 7:00 a.m. Sandy is one of the municipalities that have chosen to adopt a more restrictive curfew, beginning at 9:00 p.m. and ending at 7:00 a.m., seven days a week.

Sandy City's noise ordinance violations are classified as infractions. The Health Department's regulations, per state statute, are classified as Class B Misdemeanors. If two or more violations occur within a two year period, the violation is escalated to a Class A Misdemeanor.

**Chris McCandless** asked if Sandy's noise ordinance would supersede the County's ordinance since the curfew was more restrictive. He asked Mr. Bennett if the Health Department was looking at changing the curfew times in the ordinance.

**Mr. Bennett** indicated that Sandy's curfew would supersede the County's curfew times since it is more restrictive. He also noted that the County has no plans, at this time, to change the curfew since many cities throughout the Country follow the 10:00 p.m. to 7:00 a.m. curfew.

**Bryant Anderson** asked if the County was in the process of revising their noise ordinance.

**Mr. Bennett** stated "yes". The revisions will be presented to the Board of Health in October, 2007, then in a public hearing.

**Dennis Tenney** asked for clarification on the severity of penalties between a Class B and Class C misdemeanor.

**James Bennett** indicated that a Class B Misdemeanor would carry a stiffer penalty than a Class C misdemeanor.

**Dennis Tenney** asked if an infraction was considered to be more severe than a Class C Misdemeanor.

**Wally Miller** reported that the City prefers the penalty of an infraction since a misdemeanor involves a jury trial which can be a very expensive process.

**Dennis Tenney** asked what penalties a Class C misdemeanor carries.

**Wally Miller** stated that he did not believe that a Class C misdemeanor involved a jury trial or jail sentence. The bail schedule is set by the judges, and the range of the fines are set by state statutes.

**Steve Fairbanks** asked who determines what the guidelines are for a reasonable person with normal sensibilities. In any situation, each side believes they are the ones who are reasonable. He stated that the City is caught between a "rock" and a "hard spot" because someone is going to be unhappy no matter what decision is made.



**Mike Coulam** along with Police Chief Chapman reviewed Staff's recommendations [Reference Exhibit "A"] along with the Little Cottonwood Center Noise Impacts [Reference Exhibit "B"].

Mr. Coulam noted that the management of the Little Cottonwood Center committed to closing the gates at 9:00 p.m. and reopening them at 7:00 a.m. The Planning Commission imposed the conditions on the Little Cottonwood Center, and should be allowed to continue to enforce them. Mr. Coulam noted that the Building Department can place stop work orders on construction projects that are violating the noise ordinance.

**Chief Building Official Scott Marsell** reported that the International Building Code has been amended to allow a building official the authority to stop a project if it is in violation of the building code or any other law or ordinance of the city.

#### **Create Stiff Penalties as a Consequence of Violation**

**Wally Miller** reported that Staff's recommendation is to stay in line with the Health Department Noise Ordinance since they provide immense resources and regulations for our City to pattern our noise ordinance.

#### **Require Restrictive Gates into all Loading Dock Areas**

**Mike Coulam** stated that restricting access into all commercial loading dock areas has been very effective; however, this also poses great concerns since it can delay response times for the Police and Fire Department.

**Fire Chief Don Chase** stated that he has been quiet and submissive regarding the installment of gates at the Little Cottonwood Center. The gates that are locked and closed each night at 9:00 p.m. are in violation of the International Fire Code. Emergency agencies need to be able to access the back of buildings during any 24 hour period. The Planning Commission took license to approve the installation of gates at the Little Cottonwood Center. If this helps remedy the problems, the Fire Department can be sensitive to the residents' concerns. He would recommend that gates not be installed at other commercial developments.

#### **Surveillance Cameras Be Installed to Track & Monitor Violations**

**Chief Chapman** reported that the Police Department has adopted crime prevention through an environmental design process. Officers' will visit businesses and offer recommendations to business owners that will help prevent crime. The Police Department does not have the resources, nor would it be reasonable for them to view numerous videos based on noise violations.

**Chris McCandless** asked Chief Chapman what his opinion was regarding locked gates.

**Chief Chapman** stated that they would prefer that there not be gates based on safety and response times.

#### **All New Businesses Be Required to Meet with Residents Just Prior To Opening**

**Mike Coulam** stated that staff encourages community coordinators to hold neighborhood meetings with developers and businesses to address concerns so that they can be addressed by the Planning Commission during site plan reviews. Staff also supports continued community quadrant meetings where residents can express and share their concerns with the City Council and members of Staff.

Staff recommends issuing a good neighbor practice to businesses that outlines concerns associated with noise, trash pickup, sweeping, and snow removal.

**Dennis Tenney** thanked the neighbors, residents, and community coordinators for their contributions in bringing residents' concerns to the attention of the City Council. He also expressed appreciation to the businesses in the area for going the extra mile to mitigate noise concerns. Mr. Tenney asked that Marsha Millett and the Community Coordinators present a written report every three to four months, updating the Council on how these recommendations are working.

**Bryant Anderson** asked Chief Chase if gates could be installed if they had a manual latch that could be opened by emergency officials.

**Chief Chase** stated that the Firefighters can open the locked gate at Little Cottonwood Center since they are aware that a gate is on the premise. The concern that he has is that gates will be used as a cure all for noise at all commercial businesses. The responsibility will fall onto the Council if they allow gates to be installed that will restrict response times. This could become a huge liability for the City if this continues.

#### **Zero Tolerance Enforcement**

**Wally Miller** stated that the term zero tolerance enforcement is not the correct term to be using since it implies that an officer must issue a citation if they receive a complaint call from a resident. There are higher priorities than noise, and situations where the officer needs to use his discretion to determine if a violation has occurred.

**Steve Fairbanks** stated that zero tolerance would be the first step towards lunacy, and could be detrimental to any sound public policy.

**Bryant Anderson** asked for further clarification on what is considered to be in violation of the noise curfew.

**Mike Coulam** stated that if street sweeping or trash collection takes place between the hours of 9:00 p.m. and 7:00 a.m., it could be in violation of the noise ordinance.

**Chief Chapman** reported that the Police Department enforces disturbance of peace during the curfew hours, and cannot respond to a disturbance unless they receive a complaint call.

**Steve Fairbanks** asked how the officers determine if a disturbance of the peace complaint is reasonable.

**Chief Chapman** stated that the Officers have the ability to use their discretion in determining if a call is a legitimate complaint.

**Chief Chapman** indicated that when they are sent on complaint calls, the officer will tell the offender to quiet down. In most cases they do and there are no more calls. However, if the officer is called back to the home because the party and noise continues, then the officer will issue a citation.

**Steve Smith** asked for a comparison on how loud the 74 noise decibels would be.

**Jim Bennett** stated that 74 decibels would be compared to the noise generated during rush hour on State Street. Mr. Bennett clarified that the Health Department's regulations considers it to be a prohibition to have nighttime deliveries in any residential or commercial district.

**Wally Miller** stated that Sandy's ordinance states that loading and unloading is unlawful if it violates the decibel level or causes a noise disturbance. The Administration will consider working with the County to bring Sandy's ordinance into uniformity with other jurisdictions.

**Patricia Russell** stated that it would be impossible to enforce a zero tolerance policy since there is no such thing as zero tolerance. Things become more problematic when sanctions are placed on something that is impossible and ridiculous to enforce. All the residents want to know is that the City cares when they have a legitimate concern.

**Bryant Anderson** stated that the final consideration of the City's ordinance will be determined when the proposed changes come back to the Council.

5. **Sensitive Area Overlay Zone District**

**Ordinance #07-28** – amending Section 15-08-03 "Sensitive Area Overlay Zone District"

**Motion:** **Dennis Tenney** made the motion to adopt **Ordinance #07-28**, amending Section 15-08-03 "Sensitive Area Overlay Zone District".

**Second:** **Steve Smith**

**Vote:** **Tenney – Yes, Smith – Yes, Saville – Yes, Fairbanks - Yes, McCandless –Yes, Cowdell- Yes, Anderson – Yes.**

**Motion Approved: All in Favor**

6. **Parameters Resolution – Road Bonds**

**Resolution #07- 48 C** - consideration for adoption of a resolution authorizing the issuance and sale of not more than \$7,200,000 Aggregate Principal Amount of Excise Tax Road Bonds, Series 2007, of Sandy City, Utah for the purpose of financing roads and related improvements; and related matters.

**Discussion:** **Administrative Services Director Art Hunter** reported that the financing team has assembled a parameters resolution that establishes rates and starts the 30 day process of contestability for road bonds in the City. The public hearing is scheduled for October 9<sup>th</sup>, 2007, with the final adoption scheduled for October 23<sup>rd</sup>.

**Motion:** **Dennis Tenney** made the motion to adopt Resolution #07-48 C, consideration for adoption of a resolution authorizing the issuance and sale of not more than \$7,200,000 Aggregate Principal Amount of Excise Tax Road Bonds, Series 2007, of Sandy City, Utah for the purpose of financing roads and related improvements; and related matters.

**Second:** **Chris McCandless**

**Vote:** **Tenney –Yes, McCandless - Yes, Saville - Yes, Fairbanks - Yes, Smith - Yes, Cowdell – Yes, Anderson- Yes.**

**Motion Approved: All in Favor**

7. **Consideration of Possible Rehabilitation of Old City Hall and funding of Architectural & Structural Study.**

**Discussion:** **The City Council asked that this item be bought back for consideration during the September 18, 2007, City Council Meeting.**

**MINUTES:**

8. Approving the August 28, 2007 City Council Meeting Minutes.

**Motion:**       **Chris McCandless** made the motion to approve the August 28, 2007 City Council Meeting Minutes as written.

**Second:**       **Steve Fairbanks**

**Vote:**         **The Council responded verbally in the affirmative to the motion.**

**Motion Approved: All In Favor**

9.       **MAYOR'S REPORT**

- a.       **Mayor Dolan** reminded the Council that they need to be seated no later than 11:15 a.m. for the 100<sup>th</sup> Anniversary celebration luncheon for the Utah League of Cities.

10.      **CAO'S REPORT**

- a.       No Report was given.

11.      **COUNCIL OFFICE DIRECTOR'S REPORT**

- a.       **Phil Glenn** reported that the Community Development Department is asking for two City Council members to participate on a committee to design the plaza between the Justice Court Building, the new building under construction, and City Hall. Chris McCandless and Steve Fairbanks offered to participate on the committee.

- b.       **Phil Glenn** presented a disclosure regarding the purchase of new furniture for the Council Office.

12.      **OTHER COUNCIL BUSINESS**

- a.       There was no report.

At approximately 10:37 p.m., **Linda Martinez Saville** made a motion to adjourn Council Meeting, motion seconded by **Steve Fairbanks**.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

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Bryant F. Anderson  
Council Chairman

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Pam Lehman  
Council Office Manager